

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JONATHAN FLORO, on his own behalf  
and on behalf of all others similarly situated,

Plaintiff,

-against-

EICHENBAUM & STYLIANOU, LLC

Defendant.  
-----X

**ROBINSON**

**CLASS ACTION COMPLAINT**

JURY TRIAL DEMANDED

FILED  
U.S. DISTRICT COURT  
2007 JUL 31 P 2:58  
S.D. OF N.Y. W.D.

**07 CIV. 6894**

Plaintiff, by and through his undersigned attorneys, alleges upon knowledge as to himself and his own acts, and as to all other matters upon information and belief, brings this complaint against the above-named defendant and in support thereof alleges the following:

**PRELIMINARY STATEMENT**

1. Plaintiff brings this action on his own behalf and on behalf of all others similarly situated for damages and declaratory and injunctive relief arising from the defendant's violation of §1692 *et. seq.* of Title 15 of the United States Code, the Fair Debt Collections Practices Act (hereinafter "FDCPA"), which prohibits debt collectors within the meaning of 15 U.S.C. § 1692a(6) from engaging in abusive, deceptive and unfair practices.

### JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331. This is an action for violation of 15 U.S.C. § 1692.

3. Venue is proper in this district under 28 U.S.C. § 1391(b)(2).

### PARTIES

4. Plaintiff Jonathan Floro (hereinafter "Floro") is a resident of the State of New York, Orange County. On or about May 23, 2007, plaintiff received and came into contact with a form debt collection notice from defendant at plaintiff's home address. Exhibit A.

5. Defendant Eichenbaum & Stylianou, LLC (hereinafter "E & S") is a New Jersey Limited Liability Company. Its principal executive office is located at 10 Forest Avenue, Paramus, New Jersey 07653. Defendant attempts to collect debts alleged to be due another. Its New York City Department of Consumer Affairs license number is 1254589.

### CLASS ACTION ALLEGATIONS

6. Plaintiff brings this action as a nationwide class action, pursuant to Rule 23 of the Federal Rules of Civil Procedure (hereinafter "FRCP"), on behalf of himself and all consumers who have received debt collection notices and/or letters from the defendant which violate the FDCPA, as described in paragraphs 16-218 and their successors in interest (the "Class"). Excluded from the Class is the defendant herein, and any person, firm, trust, corporation, or other entity related to or affiliated with the defendant, including, without limitation, persons who are officers, directors, employees, associates or partners of Eichenbaum & Stylianou, LLC.

7. This action is properly maintained as a class action. This Class satisfies all the requirements of Rule 23 for maintaining a class action.

8. The Class is so numerous that joinder of all members is impracticable. Upon information and belief, hundreds of persons have received debt collection notices from the defendant which violate various provisions of the FDCPA.

9. There are questions of law and fact which are common to the Class and which predominate over questions affecting any individual Class member. These common questions of law and fact include, without limitation:

a. Whether the defendant violated various provisions of the FDCPA, including but not limited to 15 U.S.C. §§ 1692e, 1692e(3), 1692e(10), 1692g and 1692g(a)(4).

b. Whether plaintiff and the Class have been injured by the defendant's conduct;

c. Whether plaintiff and the Class have sustained damages and are entitled to restitution as a result of defendant's wrongdoing and, if so, what is the proper measure and appropriate statutory formula to be applied in determining such damages and restitution; and

10. Plaintiff's claims are typical of the claims of the Class, and plaintiff has no interests adverse or antagonistic to the interests of other members of the Class.

11. Plaintiff will fairly and adequately protect the interests of the Class and has retained experienced counsel, competent in the prosecution of class action litigation.

12. A class action is superior to other methods for the fair and efficient adjudication of the claims herein asserted. Plaintiff anticipates that no unusual difficulties are likely to be encountered in the management of this class action.

13. A class action will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the

duplication of effort and expense that numerous individual actions would engender. Class treatment also will permit the adjudication of relatively small claims by many Class members who could not otherwise afford to seek legal redress for the wrongs complained of herein. Absent a class action the Class members will continue to suffer losses of statutorily protected rights as well as monetary damages and if defendant's conduct will proceed without remedy it will continue to reap and retain the proceeds of its ill-gotten gains.

14. Defendant has acted on grounds generally applicable to the entire Class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the Class as a whole.

#### STATEMENT OF FACTS

15. Starting on or about May 23, 2007, defendant mailed a collection letter addressed to "Dear Dear Mr. FLORO". Upon receipt of defendant's letter, plaintiff opened and read it. The letter demanded payment of a debt allegedly owed by plaintiff to Hann Financial Service Corp. A copy of said letter is annexed hereto as Exhibit A.

#### FIRST CAUSE OF ACTION

16. Each of the above allegations is incorporated herein.

17. The letter violated numerous provisions of the FDCPA by the debt collector failing to notify the consumer that the consumer must notify the debt collector, in writing, in order to preserve his right to receive verification of the debt and limit the debt collector's contact with the consumer until verification documents are mailed to the consumer. 15 U.S.C. § 1692g(a)(4) and 15 U.S.C. § 1692g(b).

18. Defendant used false representations and deceptive means to collect a debt due to another in violation of 15 U.S.C §§ 1692e, 1692e(3) and 1692e(10).

19. As a result of defendant's abusive, deceptive and unfair debt collection practices, plaintiff has been damaged.


**WHEREFORE**, plaintiff respectfully requests that the Court enter judgment as follows:

- a) Declaring that this action is properly maintainable as a class action and certifying plaintiff as Class representative;
- b) Issue a declaratory Order requiring defendant to make corrective disclosures;
- c) Awarding plaintiff and the class statutory damages;
- d) Awarding plaintiff and the class members the maximum statutory damages.
- e) Awarding plaintiff and the class costs of this action, including reasonable attorneys' fees and expenses; and
- f) Awarding plaintiff and the class such other and further relief as the Court may deem just and proper.

**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 38 of the FRCP, plaintiff hereby demands a trial by jury.

Dated: July 30, 2007  
Uniondale, New York

  
Abraham Kleinman (AK-6300)  
626 RexCorp Plaza  
Uniondale, New York 11556-0626  
Telephone (516) 522-2621  
Facsimile (888) 522-1692



# EICHENBAUM & STYLIANOU, LLC.

Attorneys at Law

10 Forest Avenue - PO Box 914  
Paramus, New Jersey 07653-0914  
201-368-2850  
FAX: 201-368-1795

140 Route 303  
Valley Cottage, NY 10989  
845-268-7808

Richard Eichenbaum, Esq. NJ & FLA Bar  
Harry Stylianou, Esq. NJ, NY & PA Bar  
Joann S. Haddad, Esq. NJ & NY Bar  
Colleen M. Hirst, Esq.  
Rosalind Jackie Raymond, Esq.

May 23, 2007

Please reply to the NJ office

JONATHAN FLORO  
33 IRENE DR  
Monroe NY 10950

RE: HANN FINANCIAL SERVICE CORP.

E&S #: 20701088  
ACCOUNT #: 25517512971  
BALANCE DUE: \$3,016.06  
PHONE EXTENSION: 5171

Dear Mr. FLORO:

Please take notice that your account has been placed with this office by HANN FINANCIAL SERVICE CORP. There is now due and owing the sum of \$3,016.06.

At this time, no attorney with this firm has personally reviewed the particular circumstances of your account.

We will assume that this debt is valid unless you dispute the same within thirty (30) days from your receipt of this notice. If, for any reason, you dispute this debt or any portion thereof, you may notify us of same within thirty (30) days from receipt of this notice. We will then obtain verification of your obligation or, if the debt is founded upon a judgment, a copy of the judgment, and we will mail you a copy of such verification or judgment.

We will provide you with the name and address of the original creditor, if different from the current creditor, if you make written request for the same within thirty (30) days from receipt of this notice.

Payment must be sent directly to this Office and should include our E&S file number (20701088). You may contact ANY REPRESENTATIVE of this Office at 201-368-2850 extension 5171 in order to discuss this matter.

This is an attempt to collect a debt and any information obtained will be used for that purpose.

Eichenbaum & Stylianou, LLC  
^L101NY

Forw#: 2063

888-522-1692